

To: Ryan Jackson [Ex. 6 - Personal Privacy] Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Keith, Jennie[Keith.Jennie@epa.gov]
From: Fugh, Justina
Sent: Mon 5/1/2017 7:55:33 PM
Subject: RE: Ducks Unlimited Reception May 1

Hi there,

Troy had asked me a similar question and sent me his actual invitation. I could see that his invitation came from DU, but they also volunteered that Shell has asked Troy to sit with them. Like API, Shell is indeed a federally registered lobbyist, so I included the following paragraph in my answer to Troy. This advice applies to you and the Administrator as well. You can still go to the event, which I've cleared as a widely attended gathering because DU is both a federally registered lobbyist but also a 501(c)(3).

BUT (and this is super important), you need to let Ducks Unlimited know they should place you at their election, not in answer to a request of any particular entity (such as [API], which is a federally registered lobbyist). You can say that you will go, but that DU should place you wherever DU wants, not at the request of someone else.

Provided that the invitation to you and the Administrator comes directly from DU, then you still don't have to report the gift on your financial disclosure report. If you give me the contact information for the DU person, I can explain our ethics rules to them so that they don't inadvertently place any of the EPA political appointees in a tough spot. Also, I need for DU to understand that the Administrator cannot assist in any fundraising for DU.

I've copied Jennie Keith of OGC/Ethics on this note as she is the person who works most frequently with the scheduling staff on the Administrator's invitations. She may have some additional insights as well.

Cheers,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ryan Jackson [mailto:[Ex. 6 - Personal Privacy](#)]
Sent: Sunday, April 30, 2017 3:30 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Ducks Unlimited Reception May 1

one more question, they have a reception but they have a dinner too.

API has invited me to sit with their table which means they have paid DU whatever they pay to get the table. I'm not sure if they still are, but I think API is a big lobbying organization (I thought you might appreciate that humor). May I join them for dinner or simply attend the reception and leave or reimburse someone for the amount of the dinner? So many questions, I know.

On Wed, Apr 26, 2017 at 10:19 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi there,

For this invitation, one of the co-sponsors is (believe it or not) a federally registered lobbyist. But even though Ducks Unlimited is a federally registered lobbyist, it is also a 501(c)(3), so the usual prohibition about gifts from federally registered lobbyists doesn't apply. So we can apply the usual widely attended gathering analysis to this situation. I determine that this event does in fact qualify as a widely attended gathering pursuant to 5 CFR 2635.204(g). There will be a diversity of interests present at the event, more than 25 people will be in attendance, and I determine that there is an agency interest in your attendance. You and the Administrator may attend this event and will not be required to report the gift on your financial disclosure report (it will be below the reporting threshold).

Justina

PS – Well, I have been known to eat duck. Does that count?

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From: Ryan Jackson [mailto:Ryan.Jackson@epa.gov] **Ex. 6 - Personal Privacy**
Sent: Wednesday, April 26, 2017 2:32 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Fwd: Ducks Unlimited Reception May 1

The administrator and I would like to attend this too.

We like ducks.

Ryan Jackson

[\(202\) 679-1469](tel:202-679-1469)

Begin forwarded message:

From: Margaret Everson <meverson@ducks.org>
Date: April 26, 2017 at 2:09:25 PM EDT
To: Ryan Jackson <Ryan.Jackson@epa.gov> **Ex. 6 - Personal Privacy**
Subject: FW: Ducks Unlimited Reception May 1

Ryan,

With all your spare time, will you be able to join us in the festivities?

Best,

Margaret